

1 CHRISTOPHER E. MARTIN (AZ Bar No. 018486)

2 admitted *pro hac vice*

3 Terry R. Miller (CO Bar No. 18703)

4 admitted *pro hac vice*

5 Emails: [martinc@sec.gov](mailto:martinc@sec.gov)

6 [millerte@sec.gov](mailto:millerte@sec.gov)

7 1961 Stout Street, Suite 1700

8 Denver, Colorado 80294

9 Telephone: (303) 844-1000

10 Attorneys for Plaintiff

11 Securities and Exchange Commission

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14  
15 SECURITIES AND EXCHANGE  
16 COMMISSION,

17 Plaintiff,

18 vs.

19 BRADLEY C. REIFLER,

20 Defendant,

21 and

22 FOREFRONT PARTNERS, LLC  
23 FOREFRONT CAPITAL SERVICES,  
24 LLC, and

25 PORT ROYAL-NCM, LLC,

26 Relief Defendants.

27 Case No. 20-cv-00511-CDS-DJA

28 **SEC'S MOTION TO EXTEND  
DEADLINE TO FILE A  
SCHEDULING ORDER**

**Judge Cristina D. Silva  
Magistrate Judge Daniel J. Albregts**

29 Plaintiff Securities and Exchange Commission ("SEC") hereby submits its

30 Motion to Extend Deadline to File a Scheduling Order ("Motion"). The SEC is

31 requesting that the Court extend the current deadline of May 26, 2023 to file a

32 Scheduling Order to June 26, 2023. In further support, the SEC states:

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## **PROCEDURAL BACKGROUND**

1. In March 2020, the SEC brought this action against Defendant Bradley C. Reifler and Relief Defendants Forefront Partners, LLC, Forefront Capital Services, LLC, and Port Royal-NCM, LLC (collectively, “Defendant and Relief Defendants” and collectively with the SEC, the “Parties”). *See* Ecf No. 1.

2. After Defendant and Relief Defendants answered the SEC’s Complaint, in February 2021, the United States Department of Justice (“DOJ”) filed an unopposed motion to Intervene and to Stay Proceedings (“Motion to Stay”). *See* Ecf No. 39. On February 24, 2021, the Court granted the Motion to Stay and, among other things, stayed this proceeding until resolution of the criminal case, including all appeals, or until further order of this Court.<sup>1</sup>

3. During May 2022, Mr. Reifler reached a plea agreement with DOJ to resolve the criminal litigation. During November 2022, the criminal court entered a final judgment against Mr. Reifler and sentenced him to a prison term of five years, three years supervised release, and ordered him to pay \$20,322,220 in restitution. Mr. Reifler reported to prison during January 2023 and is presently incarcerated in a federal correctional institution located in Otisville, New York.

3. After the Court lifted the stay and requested a Joint Status Report, the

<sup>1</sup> While this case was stayed, it was reassigned to the Honorable Judge Cristina D. Silva for all further proceedings. *See* Ecf. No. 43.

1 Parties filed the Joint Status Report. *See* Ecf No. 45. After receiving it, the Court  
2 ordered the Parties to file a Second Joint Status Report by the end of March 2023. *See*  
3 Ecf No. 46.

4 4. The day before the Second Joint Status Report was due, counsel  
5 representing Reifler and Relief Defendants filed a Motion to Withdraw. *See* Ecf No.  
6 47.

7 5. On March 31, 2023, the Parties filed the Second Status Report and  
8 requested that the Court allow them three weeks from when the Motion to Withdraw  
9 is ruled upon to confer and jointly file a new scheduling order and the SEC requested  
10 that if the parties are unable to timely file a proposed joint scheduling order, the SEC  
11 may file its own proposed scheduling order. *See* Ecf No. 48. On April 7, 2023, the  
12 Court issued a Minute Order, which granted both requests and indicated that the  
13 Magistrate Judge would rule on the Motion to Withdraw. *See* Ecf No. 46.

14 6. On May 5, 2023, the Magistrate Judge granted defense counsel's Motion  
15 to Withdraw and ordered Mr. Reifler and the Relief Defendants to file a notice with  
16 the Court on or before June 5, 2023 regarding whether: (a) Mr. Reifler will retain new  
17 counsel or proceed *pro se*; and (b) the Relief Defendants will retain new counsel. *See*  
18 Ecf No. 54.

19 7. Based on the April 7<sup>th</sup> Minute Order and the Magistrate Judge's ruling  
20 on the Motion to Withdraw, the present deadline to file a Scheduling Report is May  
21 26, 2023.

## **LEGAL MEMORANDUM**

8. For several reasons, the SEC is requesting that the Court extend the current deadline of May 26, 2023 to file a Scheduling Order to June 26, 2023, which is three weeks after the June 5, 2023 deadline for Mr. Reifler and the Relief Defendants to inform the Court whether new defense counsel will represent some or all of them.

9. First, the Court should extend the May 26<sup>th</sup> deadline until after Mr. Reifler and the Relief Defendants inform the Court whether new defense counsel will represent them. The time necessary for discovery will depend on whether the Relief Defendants (who are entities that Mr. Reifler cannot represent)<sup>2</sup> retain new defense counsel and remain in the case. If the Relief Defendants are unrepresented and default, the Parties will need less time for discovery. Therefore, it is a more efficient use of party and judicial resources for the Court to consider the new scheduling order after it is known whether the Relief Defendants will remain in this litigation.

10. Second, if Mr. Reifler or the Relief Defendants do retain new counsel, any proposed Scheduling Order agreed upon would likely need to be revised and resubmitted to accommodate new defense counsel's schedule. Thus, it is a more efficient use of party and judicial resources for the Court to consider the new scheduling order after the SEC knows whether it needs to take into account defense

<sup>2</sup> As properly found by the Magistrate Judge “[b]ecause they are corporations, [the Relief Defendants] must be represented by counsel.” (Ecf No. 54 at 1-2, citations omitted).

counsel's schedule.

11. Lastly, in an abundance of caution, the SEC prefers to confer with Mr. Reifler and the Relief Defendants (if needed) after the SEC knows whether new defense counsel will represent Mr. Reifler or the Relief Defendants. Simply stated, SEC counsel would prefer to not communicate with Mr. Reifler or the Relief Defendants regarding this litigation until the SEC knows whether new defense counsel will represent some or all of them.

## NO CONFERRAL

12. Due to the SEC's present inability to confer with Mr. Reifler (either individually or on behalf of the Relief Defendants) in a timely fashion (because he is incarcerated and the SEC currently does not have a way to communicate with him via electronic communications and the SEC's request to speak to Mr. Reifler by telephone has not been acted upon) the SEC has not conferred with Mr. Reifler prior to filing this Motion. However, we do not believe that Mr. Reifler or the Relief Defendants would be prejudiced if the Court granted the SEC's requested relief, since the relief would simply give additional time for Mr. Reifler and the Relief Defendants to confer with the SEC and jointly file a new proposed scheduling order.

In conclusion, for good cause shown and not for the purpose of delay, the Court should extend the current deadline to file a Scheduling Order to on or before June 26, 2023.

A proposed Order is submitted herewith.

1 Dated: May 17, 2023

/s/ Christopher E. Martin

Christopher E. Martin

Terry R. Miller

Attorneys for Plaintiff

Securities and Exchange Commission

961 Stout Street, Suite 1700

Denver, Colorado 80294

Telephone: (303) 844-1106

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7 **CERTIFICATE OF SERVICE**

8 I certify that on May 17, 2023, I caused the foregoing document to be  
9 electronically filed with the Court using the ECF system, which will send notification  
10 of such filing to any ECF-registered counsel. In addition, on May 17, 2023, the  
11 forgoing document was served on Mr. Riefler and the Relief Defendants via the mail  
12 to the following address:

13  
14 Bradley Carl Reifler – Register No. 20251-509  
15 FCI Otisville  
16 Federal Correctional Institution Satellite Camp  
17 P.O. Box 1000  
18 Otisville, NY 10963

19 /s/ Christopher E. Martin

20 Christopher E. Martin

21 Attorney for Plaintiff

22 Securities and Exchange Commission

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

VS.

BRADLEY C. REIFLER.

Defendant.

and

FOREFRONT PARTNERS, LLC  
FOREFRONT CAPITAL SERVICES,  
LLC, and  
PORT ROYAL-NCM, LLC,

## Relief Defendants.

Case No. 20-cv-00511-CDS-DJA

**ORDER RE: SEC'S  
MOTION TO EXTEND DEADLINE  
TO FILE A SCHEDULING ORDER**

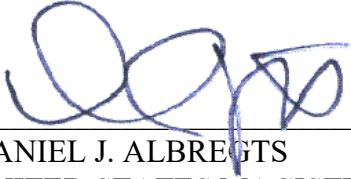
**THIS MATTER** is before the Court on the Securities and Exchange Commission’s (“SEC”) Motion to Extend Deadline to File a Scheduling Order (“Motion”) [Dkt. No. 55]. Based on a full review of the record of this case, the Motion is **GRANTED**:

**IT IS HEREBY ORDERED** that the parties must confer and jointly file a new scheduling order in accordance with the Local Rules by no later than June 26, 2023.

**IT IS FURTHER ORDERED** that if the parties are unable to timely file a proposed joint scheduling order, the SEC may files its own proposed scheduling order for consideration and include therein the reasons why the parties were unable to

1 submit a joint proposed schedule.

2 DATED: May 23, 2023.

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6 DANIEL J. ALBREGTS  
7 UNITED STATES MAGISTRATE JUDGE  
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